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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,599

Applicant(s)

UTSUMI, YOSHIMASA

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In response to communications filed on 31-January-2005, Claims 1-19 are presently pending in the application, of which, claims 1, 8, 12 and 17 are in independent form.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-7, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koz (U.S. Patent No. 5,990,955) in view of Guenther et al (U.S. Patent No. 6,418,422), and further in view of Wonfor et al (U.S. Patent No. 6,381,747.)

As to claim 1, Koz teaches a terminal apparatus (see Abstract) featuring first and a second memory areas (see column 27, lines 53-59), the terminal apparatus comprising:

compression processing means for applying a second compression process to an input first compressed signal having undergone a first compression process, the second compression process being inferior to the first compression process in terms of compression efficiency (see Abstract, see column 12, lines 12-17, and see column 18, lines 16-31);

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selecting means for selecting either the first compressed signal having undergone the first compression process, or a second compressed signal furnished by the compression processing means (see column 13, lines 1-10, and see column 18, lines 7-15); and

recording means for recording the compressed signal selected by the controlling means to the memory (see column 7, lines 34-36, and see column 14, lines 37-41.)

Koz does not teach:

first and second memory cards being selectively inserted, the second memory card not carrying a signal processing circuit for copyright protection;

judging means for judging whether a memory card inserted into the terminal apparatus is the first memory card or the second memory card; and

controlling means for controlling the selecting means in accordance with a judgment made by the judging means.

Guenther et al teaches a machine with read/write controller chip card (see Abstract), in which he teaches:

first and second memory cards being selectively inserted, the second memory card not carrying a signal processing circuit for copyright protection (see column 4, lines 39-45, and see column 5, lines 40-46);

judging means for judging whether a memory card inserted into the terminal apparatus is the first memory card or the second memory card (see column 8, line 53 through column 9, line 16, and see column 9, line 39 through column 10, line 5); and

controlling means for controlling the selecting means in accordance with a judgment made by the judging means (see column 12, lines 1-15, and see column 15, lines 1-27.)

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Koz to include first and second memory cards being selectively inserted, the second memory card not carrying a signal processing circuit for copyright protection; judging means for judging whether a memory card inserted into the terminal apparatus is the first memory card or the second memory card; and controlling means for controlling the selecting means in accordance with a judgment made by the judging means.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Koz by the teachings of Guenther et al, because first and second memory cards being selectively inserted, the second memory card not carrying a signal processing circuit for copyright protection; judging means for judging whether a memory card inserted into the terminal apparatus is the first memory card or the second memory card; and controlling means for controlling the selecting means in accordance with a judgment made by the judging means, would allow the system to select protected and unprotected memory devices and perform data storage/retrievals based on the security rules associated with the selected memory cards, providing the advantages of unambiguous, simple and fraud-resistant cost center selection by chip card while avoiding the use of substantial memory capacity, as taught by Guenther et al (see column 3, lines 23-33.)

Koz as modified, still does not teach:

the first memory card carrying a signal processing circuit for copyright protection; and judging on the basis of whether the memory card supports copyright protection.

Wonfor et al teaches a method for controlling copy protection in digital video networks (see Abstract), in which he teaches:

the first memory card carrying a signal processing circuit for copyright protection (see Abstract, see column 6, lines 16-33, and see column 12, lines 61-65); and

judging on the basis of whether the memory card supports copyright protection (see column 3, lines 8-17, and see column 5, line 58 through column 6, line 15.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Koz as modified, to include the first memory card carrying a signal processing circuit for copyright protection; and judging on the basis of whether the memory card supports copyright protection.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Koz as modified, by the teachings of Wonfor et al, because including the first memory card carrying a signal processing circuit for copyright protection; and judging on the basis of whether the memory card supports copyright protection, would enable the system to determine whether the user (customer) is authorized to receive a selected item, based on the copyright protection embedded on the customer's memory card.

As to claims 4 and 13, Koz as modified teaches wherein the first memory card and the second memory card are substantially the same in shape (see Guenther et al, column 1, line 55 through column 2, line 15, and see column 10, lines 16-19.)

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As to claims 5 and 14, Koz as modified teaches wherein contents to be recorded which are subject to copyright protection include music, videos and games provided by copyright holders (See Koz, column 6, lines 48-62.)

As to claims 6 and 15, Koz as modified teaches wherein, if the inserted memory card is judged by the judging means to be the first memory card, then the controlling means selects the first compressed signal and records the selected signal to the inserted first memory card (see Guenther et al, column 8, line 53 through column 9, line 16, see column 9, line 39 through column 10, line 5, column 12, lines 1-15, and see column 15, lines 1-27.)

As to claims 7 and 16, Koz as modified teaches wherein, if the inserted memory card is judged by the judging means to be the second Memory card, then the controlling means selects the second compressed signal and records the selected signal to the inserted second memory card (see Koz, Abstract, and see Guenther et al, Abstract, and see column 3, lines 34-65.)

As to claim 12, Koz teaches a terminal apparatus (see Abstract) featuring first and a second memory areas (see column 27, lines 53-59), the terminal apparatus comprising:

Converting means for converting an m-channel audio signal, m being an integer of at least 2, into an n-channel audio signal, n being a positive integer not greater than m (see column 10, lines 30-41, and see column 25, lines 3-14);

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selecting means for selecting either an input m-channel audio signal or the converted n-channel audio signal from the converting means (see column 13, lines 1-10, and see column 18, lines 7-15); and

recording means for recording the compressed signal selected by the controlling means to the memory (see column 7, lines 34-36, and see column 14, lines 37-41.)

For the teachings of: "first and second memory cards being selectively inserted, the first memory card carrying a signal processing circuit for copyright protection, the second memory card not carrying a signal processing circuit for copyright protection; judging means for judging whether a memory card inserted into the terminal apparatus is the first memory card or the second memory card on the basis of whether the memory card supports copyright protection; and controlling means for controlling the selecting means in accordance with a judgment made by the judging means", the applicant is kindly directed to the remarks and discussions made in claim 1 above.

4. Claim 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koz (U.S. Patent No. 5,990,955) in view of Guenther et al (U.S. Patent No. 6,418,422), and further in view of Wonfor et al (U.S. Patent No. 6,381,747), as applied to claims 1, 4-7, and 12-16 above, and still further in view of Fuchigami et al (U.S. Patent No. 6,160,953.)

As to claim 2, Koz as modified teaches first compression and second compression (see Koz, Abstract.)

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Koz as modified still does not teach an adaptive transform acoustic coding process known as ATRAC and an adaptive differential pulse code modulation process known as ADPCM.

Fuchigami et al teaches an optical recording disk (see Abstract), in which he teaches an adaptive transform acoustic coding process known as ATRAC (see figure 17, and see column 29, lines 4-12) and an adaptive differential pulse code modulation process known as ADPCM (see figure 14, see column 1, lines 39-45, and see column 27, lines 4-23.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Koz as modified, to include an adaptive transform acoustic coding process known as ATRAC and an adaptive differential pulse code modulation process known as ADPCM.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Koz as modified, by the teachings of Fuchigami et al, because having an adaptive transform acoustic coding process known as ATRAC and an adaptive differential pulse code modulation process known as ADPCM, would enable the system to compress data with different bit-rates in order to enhance the quality of audio signals, to produce sound quality inferior to that obtained by audio CDs, as taught by Fuchigami et al (see column 1, lines 39-46.)

As to claim 3, Koz et al as modified teaches wherein the first compression process is superior to the second compression process in terms of compression efficiency (see Fuchigami et al, column 1, lines 39-56, and see column 5, lines 36-50.)

5. Claim 8-11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koz (U.S. Patent No. 5,990,955) in view of Guenther et al (U.S. Patent No. 6,418,422), and further in view of Wonfor et al (U.S. Patent No. 6,381,747), as applied to claims 1, 4-7, and 12-16 above, and further in view of Nejime et al (U.S. Patent No. 5,717,818.)

As to claim 8, Koz as modified teaches a terminal apparatus into which any one of a first and a second memory card is selectively inserted, the first memory card carrying a signal processing circuit for copyright protection, the second memory card not carrying a signal processing circuit for copyright protection, the terminal apparatus comprising:

judging means for judging whether a memory card inserted into the terminal apparatus is the first memory card or the second memory card on the basis of whether the memory card supports copyright protection; controlling means for controlling the first and the second switching means in accordance with a judgment made by the judging means; and recording means for recording the digital audio compressed signal selected by the second switching means to the inserted memory card (the applicant is kindly directed to the remarks and discussions made for these teachings in claim 1 above.)

Koz as modified, still does not teach:

a first input terminal through which to input an analog audio signal picked up by a microphone;

a second input terminal through which to input a digital audio compressed signal having undergone a first compression process;

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decompressing means for decompressing the digital audio compressed signal input through the second input terminal;

D/A converting means for converting a decompressed digital audio signal from the decompressing means into an analog audio signal;

first switching means for selecting either an analog audio signal which, having being picked up by the microphone, is input through the first input terminal, or the converted analog audio signal from the D/A converting means;

A/D converting means for converting the selected analog audio signal from the first switching means into a digital audio signal;

compression processing means for subjecting the converted digital audio signal from the A/D converting means to a second compression process which is different from the first compression process; and

second switching means for selecting either a digital audio compressed signal which, having undergone the first compression process, is input through the second input terminal, or a digital audio compressed signal which, having undergone the second compression process, is output from the compression processing means.

Nejime et al teaches an audio signal apparatus (see Abstract),, in which he teaches:

a first input terminal through which to input an analog audio signal picked up by a microphone (see figure 1);

a second input terminal through which to input a digital audio (see column 33, line 49) compressed signal having undergone a first compression process (see column 18, lines 39-43, and see column 37, lines 59-61);

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decompressing means for decompressing the digital audio compressed signal input through the second input terminal (see column 38, lines 6-9);

D/A converting means for converting a decompressed digital audio signal from the decompressing means into an analog audio signal (see column 4, lines 38-39);

first switching means for selecting either an analog audio signal which, having being picked up by the microphone, is input through the first input terminal, or the converted analog audio signal from the D/A converting means (see column 5, lines 40-46);

A/D converting means for converting the selected analog audio signal from the first switching means into a digital audio signal (see column 4, lines 30-32);

compression processing means for subjecting the converted digital audio signal from the A/D converting means to a second compression process which is different from the first compression process (see figures 12A and 12B, and see column 16, lines 8-15); and

second switching means for selecting either a digital audio compressed signal which, having undergone the first compression process, is input through the second input terminal, or a digital audio compressed signal which, having undergone the second compression process, is output from the compression processing means (see column 20, lines 27-38, and see column 37, line 51 through column 38, line 20.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Koz as modified, to include a first input terminal through which to input an analog audio signal picked up by a microphone; a second input terminal through which to input a digital audio compressed signal having undergone a first compression process; decompressing means for decompressing the digital audio

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compressed signal input through the second input terminal; D/A converting means for converting a decompressed digital audio signal from the decompressing means into an analog audio signal; first switching means for selecting either an analog audio signal which, having being picked up by the microphone, is input through the first input terminal, or the converted analog audio signal from the D/A converting means; A/D converting means for converting the selected analog audio signal from the first switching means into a digital audio signal; compression processing means for subjecting the converted digital audio signal from the A/D converting means to a second compression process which is different from the first compression process; and second switching means for selecting either a digital audio compressed signal which, having undergone the first compression process, is input through the second input terminal, or a digital audio compressed signal which, having undergone the second compression process, is output from the compression processing means.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Koz as modified, by the teachings of Nejime et al because including a first input terminal through which to input an analog audio signal picked up by a microphone; a second input terminal through which to input a digital audio compressed signal having undergone a first compression process; decompressing means for decompressing the digital audio compressed signal input through the second input terminal; D/A converting means for converting a decompressed digital audio signal from the decompressing means into an analog audio signal; first switching means for selecting either an analog audio signal which, having being picked up by the microphone, is input through the first input terminal, or the converted analog audio signal from the D/A converting means;

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A/D converting means for converting the selected analog audio signal from the first switching means into a digital audio signal; compression processing means for subjecting the converted digital audio signal from the A/D converting means to a second compression process which is different from the first compression process; and second switching means for selecting either a digital audio compressed signal which, having undergone the first compression process, is input through the second input terminal, or a digital audio compressed signal which, having undergone the second compression process, is output from the compression processing means, would enable the system to offer various input sources with various (analog/digital) audio data and the conversion means for converting and switching between data types as desired by the user.

As to claim 9, Koz as modified teaches further comprising mode operating means for selectively setting either a microphone input mode in which the analog audio signal input from the microphone is recorded to the inserted memory card (see Nejime et al, figure 1), or a line input mode in which the digital audio compressed signal having undergone the first compression process and input through the second input terminal is recorded to the inserted memory card (see Nejime et al, column 18, lines 39-43, and see column 37, lines 59-61);

wherein, if the mode operating means selects the microphone input mode, then the controlling means causes the first switching means to select the analog audio signal picked up by the microphone and input through the first input terminal, and causes the second switching means to select the digital audio compressed signal having undergone the second compression process and output from the compression processing means (see Nejime et al,

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column 2, lines 10-12, see column 3, lines 28-29, and see column 6, line 65 through column 7, line 11.)

As to claim 10, Koz as modified teaches further comprising mode operating means for selectively setting either a microphone input mode in which the analog audio signal input from the microphone is recorded to the inserted memory card (see Nejime et al, figure 1), or a line input mode in which the digital audio compressed signal having undergone the first compression process and input through the second input terminal is recorded to the inserted memory card (see Nejime et al, column 18, lines 39-43, and see column 37, lines 59-61);

wherein, if the mode operating means selects the line input mode and if the judging means judges the inserted memory card to be the first memory card, then the controlling means causes the digital audio compressed signal having undergone the first compression process and input through the second input terminal to be selected (see Nejime et al, column 2, lines 10-12, see column 3, lines 28-29, and see column 6, line 65 through column 7, line 11, and see column 14, line 64 through column 15, line 21.)

As to claim 11, Koz as modified teaches further comprising mode operating means for selectively setting either a micro-phone input mode in which the analog audio signal input from the microphone is recorded to the inserted memory card, or a line input mode in which the digital audio compressed signal having undergone the first compression process and input through the second input terminal is recorded to the inserted memory card (see Nejime et al, column 18, lines 39-43, and see column 37, lines 59-61);

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wherein, if the mode operating means selects the line input mode and if the judging means judges the inserted memory card to be the second memory card, then the controlling means causes the second switching means to select the digital audio compressed signal having undergone the second compression process and output from the compression processing means (see Nejime et al, column 2, lines 10-12, see column 3, lines 28-29, and see column 6, line 65 through column 7, line 11, and see column 14, line 64 through column 15, line 21.)

As to claim 17, the applicant is kindly directed to the remarks and discussions made in claims 1 and 8 above.

As to claim 18, Koz as modified teaches wherein, if the operating means selects the digital audio signal recording mode in which to record the line input m-channel digital- audio signal and if the judging means judges the inserted memory card to be the first memory card, then the controlling means causes the line input m-channel digital audio signal to be selected (see Nejime et al, column 4, lines 13-21.)

As to claim 19, Koz as modified teaches wherein, if the operating means selects the digital audio signal recording mode in which to record the line input m-channel digital audio signal and if the judging means judges the inserted memory card to be the second memory card, then the controlling means causes the n-channel digital audio signal output from the converting means to be selected (see Nejime et al, column 4, lines 25-67.)

Response to Arguments

6. Applicant's arguments filed on 31-January-2005 with respect to the rejected claims in view of the cited references have been fully considered but they are not deemed persuasive:

In response to the applicant's arguments that "Wonfor does not disclose a 'memory card carrying a signal processing circuit for copyright protection' as required in the present claims", the arguments have been fully considered but are not deemed persuasive because Wonfor et al teaches, "In addition, a selected portion of the control software for effecting the copy protection process may reside in the set-top box in the form of an insertable "smart" card, wherein for example the smart card contains the data concerning the subscriber's options and privileges" (see column 12, lines 61-65), and he also teaches that "copy protection" is "implemented by the integrated circuit (IC)" (see column 6, lines 52-58.)

In response to the applicant's arguments that "neither Koz, Guenther, nor Wonfor meets the limitation of 'judging whether a memory card inserted into said terminal is said first memory card or said second memory card on the basis of whether said memory card supports copyright protection' and 'controlling said selecting means in accordance with a judgment made by said judging means' as required in the present invention", the arguments have been fully considered but are not deemed persuasive. Guenther et al teaches the judgment of which card was inserted (column 8, lines 53-66) and judging on the basis of whether the memory card supports copyright protection is taught by Wonfor et al (column 3, lines 8-17 and column 5, line 58 through column 6, line 15.)

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In response to the applicant's arguments regarding "motivation" of combining the references, the arguments have been fully considered but are not deemed persuasive, because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to the applicant's arguments that "even if a user mistakenly inserts a memory card of the second type, content can still be recorded, albeit at a lower quality", and that "the cited references simply do not suggest reducing the recording quality bases on whether the recording medium is copyright secure or not", the arguments have been fully considered but are not deemed persuasive, because Wonfor et al specifically addresses this issue in forms of a "warning" message to the users (column 10, lines 46-59.)

In response to the applicant's arguments regarding claims 2-3, 8-11 and 17-19, that the "Fuchigami and Nejime fail to meet the same independent claim limitations discussed above", the arguments have been fully considered but are not deemed persuasive in view of the above remarks and discussions made on the independent claims.

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Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (571) 272-4083.

tm

April 27, 2005


SAM RIMELL
PRIMARY EXAMINER